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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,611	05/13/1999	FRANK B. NORMAN	SWA-3.2.016/	1463

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EXAMINER
GRANT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 07/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/311,611	Applicant(s) NORMAN
	Examiner Christopher Grant	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *22-40* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *22-40* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 22-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aras et al. (Aras) and Slezak et al. (Slezak).

Considering claims 22, 25, 33, 37 and 38-39, Aras discloses a method and corresponding apparatus for monitoring a direct broadcast satellite (DBS) service subscriber's station to obtain audience rating measurements indicative of the DBS subscriber's viewing habits (BCT), comprising the steps of:

a) connecting a DBS subscriber station (111) to first network interface (1557, figure 15) (see col. 25, lines 7-17, col. 26, lines 33-41, col. 12, lines 40-54, col. 6, lines 30-44, col. 24, lines 29-42);

b) connecting a DBS server (101, 103, 121-BCC) to a second network interface necessary for communication over the local network (figure 4B);

c) transmitting a query message over the network from the DBS server to the subscriber's station; (col. 17, lines 57-63); and

d) enabling the service provider subscriber's station to respond to the query message by sending back statistics (behavior collection table, BCT) accumulated by the subscriber's station (and stored at the subscriber's station) to the DBS server (101,103,121), the statistics being related to the broadcast viewed by the subscriber (see the entire reference including but not limited to col. 12, line 40 - col. 14, line 24 and col. 17, lines 57-63).

Although Aras discloses communication over the Internet (at col. 26, lines 40-41) and a local distribution network separate from the satellite network (figure 4B), he fails to specifically disclose providing a full-time communication path between the first and second Internet interfaces and an ISP as recited in the claims.

Slezak discloses a receiver (504,508) in communication with CATV server (510) via a cable network (74) and in full-time communication with the server (510) via an Internet network (530). An Internet interface at server (510), an Internet interface at receiver (504,508) and an Internet service provider (ISP) are all necessary components for communicating over the Internet. Slezak's system enables the receiver (504.508) to receive television programs and additional information via the Internet. The Internet communication provides bi-directional communication to the receiver (504,508). See the entire reference including but not limited to figure 1 and col. 4, line 65 - col. 5, line 60.

It would have been obvious to one of ordinary skill in the art to modify Aras' system to include providing a full-time communication path between the first and second Internet interfaces

and an ISP, as taught by Slezak, for the advantages of providing additional content from a server and to provide bi-directional communication between the receiver and the server.

Claims 23, 24, 34 and 36 are met by the combined systems of Aras and Slezak, wherein Aras discloses periodic transmission of the table or the table requested by the behavior collection center (BCC) when the data table is nearing full or any combination thereof in col. 17, lines 57-62.

Considering claim 26, the combined systems of Aras and Slezak disclose that the behavior collection table (BCT) comprises turn on (power on), tuned channel, time and channel identification when changed, mute, turn off (power off), any combination of the above and timer events (See Aras at col. 14, lines 7-24).

However, the combined systems of Aras and Slezak fail to specifically disclose a time when the sound muting is applied and time when the sound muting is canceled as recited in the claim.

Collecting information about the time when the sound muting is applied and the time when the sound muting is canceled is more detailed than just collecting general mute information. The advantage of collecting more informaton is that a wide variety and/or large sample of subscriber viewing habits increases the accuracy of the statisical analysis performed by television market

researchers (i.e. analyzing viewing habits information for determining the cost and effectiveness of television programs and commercials).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Aras and Slezak to include any viewing habit, such as a time when the sound muting is applied and time when the sound muting is canceled, because a wide variety and/or large sample of subscriber viewing habits increases the accuracy of the statisical analysis performed by television market researchers (i.e. analyzing viewing habits information for determining the cost and effectiveness of television programs and commercials).

Claim 27 is met by the combined systems of Aras and Slezak, wherein Aras discloses that the collected data table may be reported to the BCC on the fly (i.e. real time) in col. 17, lines 57-62.

Claims 28-30 are met by the combined systems of Aras and Slezak, wherein Aras discloses periodic transmission of the table or the table requested by the behavior collection center (BCC) when the data table is nearing full or any combination thereof in col. 17, lines 57-62.

As for claim 31, the combined systems of Aras and Slezak fail to specifically disclose posting the information to a World Wide Web page and the data collection point retrieves the information from the World Wide Web page on a periodic basis as recited in the claim.

The examiner takes Official Notice that it is notoriously well known in the art for a first computing station (such as a subscriber terminal) to post information to a World Wide Web page and having a second computing station (such as a data collection point) to retrieve the information from the World Wide Web page on a periodic basis. The advantages of this procedure are (1) it provides a central location for posting and retrieving data that is accessible to numerous users/vendors; (2) it utilizes a readily available technology; and (3) it is easy to implement.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Aras and Slezak to include posting the information to a World Wide Web page and having the data collection point to retrieve the information from the World Wide Web page on a periodic basis, for the advantages of providing a central location for posting and retrieving data that is accessible to numerous users/vendors and utilizing a readily available and easy to use technology.

Claim 32 is met by the combined systems of Aras and Slezak, wherein Aras discloses transferring information to the data collection point (BCC) in response to the query message received from the data collection point (Aras; col. 17, lines 57-63) via the Internet (Slezak).

Claim 35 is met by the combined systems of Aras and Slezak, wherein Aras discloses that the collected data table may be reported to the BCC on the fly (i.e. as the information is created) in col. 17, lines 57-62.

As for claim 40, the combined systems of Aras and Slezak fail to specifically disclose posting the information to a World Wide Web page and the data collection point retrieves the information from the World Wide Web page on a periodic basis as recited in the claim.

The examiner takes Official Notice that it is notoriously well known in the art for a first computing station (such as a subscriber terminal) to post information to a World Wide Web page and having a second computing station (such as a data collection point) to retrieve the information from the World Wide Web page on a periodic basis. The advantages of this procedure are (1) it provides a central location for posting and retrieving data that is accessible to numerous users/vendors; (2) it utilizes a readily available technology; and (3) it is easy to implement.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Aras and Slezak to include posting the information to a World Wide Web page and having the data collection point to retrieve the information from the World Wide Web page on a periodic basis, for the advantages of providing a central location for posting and retrieving data that is accessible to numerous users/vendors and utilizing a readily available and easy to use technology.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zurlinden and Massetti disclose audience measurement systems.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306 0377.

Christopher Grant
Primary Examiner
July 18, 2002